

**CITY of BURIEN**  
**Department of Community Development**

**Interpretation # 04-02**

**Subject:** Maximum Residential Density in the CI Zone for Mixed Use Development (BMC 19.15.020.5)

**Interpretation:** BMC 19.15.020.5, Special Regulation 2 requires that maximum residential density shall not exceed the highest density allowed by the zoning of the closest lot in a residential zone. It is my interpretation that if there are multiple residential zoning districts (ex: RS-12,000 and RM-24) adjacent to a parcel zoned CI, the zoning allowing the highest maximum density shall be used to determine the maximum residential density.

**Findings of Fact:**

- *The defined or common meaning of the words of the provision:*
  - BMC 19.15.020.2, Special Regulation 2 states that the maximum residential density shall not exceed the density of the closest residential zone.
  - BMC 19.10.350 defines “Mixed use” as “A project or *building* that combines non-residential *use* with *dwelling units* either in the same *building* or in different *buildings* located on the same site.

- *The general purpose of the provision as expressed in the provision.*

There is no specific purpose and intent statement for this section of the zoning code. However, the general purpose of the CI zone chapter states PURPOSE AND INTENT: The Intersection Commercial (IC) zone implements the Intersection Commercial Comprehensive Plan designation. The purpose of this zone is to establish areas (in otherwise residential areas) for low to moderate intensity convenience commercial uses to serve customers traveling to and from their nearby homes. The intent is to provide a diverse mix of uses which serve multiple residential areas, designed to encourage pedestrian and transit access, be compatible with adjacent residential neighborhoods, and be consistent with road and utility capacity.

- *The logical or likely meaning of the provision viewed in relation to the Comprehensive Plan and applicable purpose and intent statements in this Code.*
  - Comprehensive Plan Policy HS 1.3 (page 2-77) encourages mixed use development in appropriate commercial zones.

Pol. HS 1.3 The City should encourage multi-family residential uses in appropriate commercial land use districts, subject to development standards and design guidelines.

***Discussion:*** Mixed-use development provides a residential lifestyle that many people find desirable. Residents can minimize transportation costs and travel time by residing in commercial areas close to employment, shopping, and leisure activities. Mixed-use development also provides businesses with consumers in the immediate vicinity. Mixed use can increase the perception of safety in commercial areas by providing “eyes on the street” at all times of the day. Allowing some of the new residential growth to locate in commercial areas will also help to protect the character of existing single family neighborhoods.

The intent of the corresponding section in the Burien Zoning Code (19.15.020.5) is to implement policy HS 1.3 and encourage construction of mixed use projects on commercial lands and in addition will increase housing opportunities and a more efficient use of land.

**Conclusions:**

Allowing the highest maximum density will preserve the mixed use intent of the Burien Zoning Code and the housing policy statements found in the Burien Comprehensive Plan. Comprehensive Plan Policy, HS 1.3 states that the city should encourage mixed use development in commercial zones. The logical intent of the density requirement is to allow for multi-family residential densities similar to other multi-family zones in close proximity to CI zoned properties. Appropriate mixed used densities could not be achieved if the maximum density calculation was based on maximum densities of adjacent single-family zones.

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Date